

DOCKET NO: 233227US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Jean-Christophe SIMON, et al. : GROUP ART UNIT: 1615
SERIAL NO: 10/687,632 :
FILED: OCTOBER 20, 2003 : EXAMINER: MERCIER, MELISSA S.
FOR: MAKEUP COMBINING AT LEAST :
ONE PHOTOCHROMIC AND AT
LEAST ONE GONIOCHROMATIC
GENT

PETITION UNDER 37 C.F.R. § 1.47(a)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Petitioners hereby request that the executed oath/declaration under 37 C.F.R. § 1.63 submitted concurrently herewith (Exhibit 1) be accepted.

By virtue of the Assignment submitted July 20, 2004, in this case, L'Oréal, S.A. is the assignee of the entire interest of the present application.

Mr. Jean-Christophe Simon, who is a named inventor on the above-identified application, cannot be reached after diligent attempts by the assignee's European representatives.

As explained in the Statement of Facts (Exhibit 2), the last known address of Mr. Simon is Platanenweg 11, Alsbach-Haemnlein, 64665 Germany. On September 10, 2007, assignee's European representatives sent a letter to Mr. Simon asking him to execute a new declaration in this case. This letter was returned to assignee's representative as undeliverable

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to Mr. Simon at the identified address. Assignee has no further information concerning how to contact Mr. Simon.

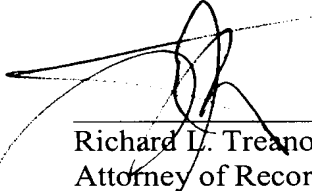
Although assignee's European representatives have attempted to obtain a properly executed oath/declaration from Mr. Simon, as of the date indicated below, a duly executed oath/declaration has not been received from Mr. Simon. Thus, a *bona fide* attempt to obtain a new declaration from Mr. Simon at his last known address has been made, and this attempt was unsuccessful.

Finally, enclosed herewith is the fee set forth in 37 C.F.R. § 1.47(g).

In view of the above, Petitioners respectfully requests that the present petition be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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